

ESTTA Tracking number: **ESTTA726993**

Filing date: **02/14/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Gondola Hotel, LLC dba Trophy Room
Granted to Date of previous extension	02/13/2016
Address	1645 Vine Street, No. 810 Los Angeles, CA 90028 UNITED STATES

Correspondence information	Gondola Hotel, LLC dba Trophy Room 1645 Vine Street, No. 810 Los Angeles, CA 90028 UNITED STATES davedean@giantclub.com Phone:(323) 683-5290
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Applicant Information

Application No	86637212	Publication date	12/15/2015
Opposition Filing Date	02/14/2016	Opposition Period Ends	02/13/2016
Applicant	Heir LLC 7174 Regina Way Orlando, FL 32819 UNITED STATES		

Goods/Services Affected by Opposition

Class 006. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Metal key rings
Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Cell phone cases
Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Notebooks, pens, folders, blank journals
Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Wallets, backpacks, luggage, leather bag tags
Class 021. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Shoe horns, shoe trees
Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: T-shirts, sweatshirts, hooded sweatshirts, tank tops, shorts, sweat shorts, sweat pants, belts and hats
Class 034. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Cigarette Lighters not for land vehicles
Class 035. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Retail store services featuring clothing, leather goods, and related accessories

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Applicant not rightful owner of mark for identified goods or services	Trademark Act section 1
Dilution by blurring	Trademark Act section 43(c)
Dilution by tarnishment	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86650955	Application Date	06/03/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TROPHY ROOM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2015/03/12 First Use In Commerce: 2015/03/12 Clothing and accessories Class 032. First use: First Use: 2015/03/12 First Use In Commerce: 2015/03/12 Beer, lager, ale Class 033. First use: First Use: 2015/03/12 First Use In Commerce: 2015/03/12 Distilled spirits, alcoholic beverages,wine, champagne, sparkling wine Class 035. First use: First Use: 2015/03/12 First Use In Commerce: 2015/03/12 Retail and on-line store services		

Attachments	86650955#TMSN.png(bytes) Notice of Opposition Trophy Room.pdf(66694 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Dave Dean/
Name	Gondola Hotel, LLC dba Trophy Room
Date	02/14/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GONDOLA HOTEL, LLC dba Trophy Room,))	OPPOSITION NO.:
)	
Opposer,)	NOTICE OF OPPOSITION TO THE
)	FOLLOWING APPLICATION:
v.)	
)	Application Serial No.: 86637212
)	Published in the <i>Official Gazette</i> on
HEIR LLC,)	December 15, 2016
)	(extension to oppose granted)
Applicant.)	
)	
)	
_____)	

Opposer, GONDOLA HOTEL, LLC dba Trophy Room (“Opposer”), a limited liability company organized and existing under the laws of the State of Colorado, with its principal place of business located at 1645 Vine Street, No. 810, Los Angeles, CA 90028, believes that it will be damaged by registration of the mark “TROPHY ROOM” shown in Serial No. 86637212 (the “subject application”), filed by applicant Heir LLC (“Applicant”) and hereby opposes same. The subject application was filed on an intent-to-use basis.

1. Opposer is the original applicant of the U.S. trademark application number 86650955 in International Classes 25, 32, 33 and 35.

2. Opposer, since at least March 12, 2015 has been and is now using the mark TROPHY ROOM in connection with clothing, accessories, beer, lager, ale, distilled spirits, alcoholic beverages, wine, champagne, sparkling wine, and retail and on-line store services, as set forth in the subject application, as well as more specific items. Said use has been valid and continuous since said date of first use and has not been abandoned. Opposer’s TROPHY ROOM mark is symbolic of

extensive good will and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion. In view of the similarity of the respective marks and the similar nature of the services of the respective parties, it is alleged that Applicant's mark so resembles Opposer's mark, previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

3. Opposer, since at least March 12, 2015, has been, and is now, selling clothing, accessories, beer, lager, ale, distilled spirits, alcoholic beverages, wine, champagne, and sparkling wine, and has operated an retail and on-line store services under the name TROPHY ROOM. Said use has been valid and continuous since said date of first use and the relevant class of the public has come to associate Opposer with said designation. In view of the similarity of Applicant's marks with Opposer's designation, and in view of the related nature of the uses thereof, it is alleged that Applicant's mark consists of and comprises matter that may disparage and falsely suggest a connect with Opposer.

4. Opposer therefore requests that registration of the opposed mark be denied.

5. Additionally, Opposer requests such other and further relief as is deemed just and proper.

Respectfully submitted,

Dated: February 14, 2016

LAW OFFICES OF CHRISTIE GAUMER

By  _____

Christie Gaumer

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